

ENTERED

March 18, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LOUIS B. STREDIC,
(TDCJ-CID #1917019)
Plaintiff,

vs.

MARIE BLASENGAME, *et al.*,

Defendants.

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CIVIL ACTION H-16-0616

MEMORANDUM ON DISMISSAL

Louis B. Stredic, a Texas Department of Criminal Justice inmate, sued in March 2016, alleging civil rights violations resulting from a denial of due process. Stredic has neither paid the \$350.00 filing fee nor sought leave to proceed as a pauper. From his litigation history, the court presumes that he seeks leave to proceed *in forma pauperis*. Stredic, proceeding pro se, sues Marie Blasengame, Paul Archie, and Warden Blackwell.

The threshold issue is whether Stredic's claims should be dismissed as barred by the three-strikes provision of 28 U.S.C. § 1915(g). The court concludes that Stredic's claims are barred and should be dismissed for the reasons stated below.

I. Plaintiff's Allegations

Stredic complains of the deprivation of his commissary items. Stredic seeks compensation for the lost items. He also asks that prison officials be compelled to return his personal property to him.

II. Analysis

A prisoner is not allowed to bring a civil action *in forma pauperis* in federal court if, while

incarcerated, three or more of his civil actions or appeals were dismissed as frivolous or malicious or for failure to state a claim upon which relief may be granted, unless he is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

Stredic's litigation history reveals that he has previously submitted abusive and scurrilous filings in federal court. Prior to filing this action, he had at least three suits dismissed as frivolous. *Stredic v. Yenning*, 5:01-0234 (dismissed as frivolous on October 15, 2001)(N.D. Tex.); *Stredic v. Fernald*, 5:00-001 (dismissed as frivolous on March 28, 2001)(N.D. Tex.); and *Stredic v. McCleod*, 2:99-0369 (dismissed as frivolous on May 4, 2000)(N.D. Tex.).

In the present case, Stredic has not alleged, nor does his complaint demonstrate, that he is in imminent danger of serious physical injury. Accordingly, Stredic is barred under 28 U.S.C. § 1915(g) from proceeding *in forma pauperis* in this action.

III. Conclusion

Stredic's constructive motion to proceed as a pauper, (Docket Entry No. 1), is denied. The complaint filed by Louis B. Stredic, (TDCJ-ID #1917019), is DISMISSED under 28 U.S.C. § 1915(g).¹ All pending motions are DENIED. Stredic is warned that continued frivolous filings may result in the imposition of sanctions.

The Clerk will provide a copy of this order by regular mail, facsimile transmission, or e-mail to:

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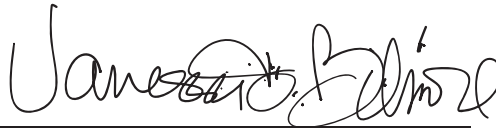
In *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1998), the Fifth Circuit barred an inmate from proceeding further under the statute, except for cases involving an imminent danger of serious physical injury, and dismissed all of Adepegba's i.f.p. appeals pending in that court. The Fifth Circuit noted that the inmate could resume any claims dismissed under section 1915(g), if he decided to pursue them, under the fee provisions of 28 U.S.C. §§ 1911-14 applicable to everyone else.

(1) the TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas, 78711, Fax: 512-936-2159;

(2) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793; and

(3) the District Clerk for the Eastern District of Texas, Attention: Manager of the Three-Strikes List, Lori_stover@txed.uscourts.gov.

SIGNED at Houston, Texas, on March 18, 2016.

A handwritten signature in black ink, appearing to read "Vanessa D. Gilmore", written over a horizontal line.

VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE